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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,539	02/26/2002	Wenda Carlyle	PA872	9853
28390 7590 02/11/2008 MEDTRONIC VASCULAR, INC. IP LEGAL DEPARTMENT 3576 UNOCAL PLACE SANTA ROSA, CA 95403			EXAMINER WEBMAN, EDWARD J	
			ART UNIT 1616	PAPER NUMBER
			NOTIFICATION DATE 02/11/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

rs.vasciplegal@medtronic.com

The declaration filed 12/21/07 was not considered because it does not include all the inventors. Thus, the rejection of record is repeated below:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 2, 5-7, 9, 11, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eury (US Patent 5,443,458) in view of WO01/07066 (WO '066).

Eury teaches a multilayered stent (abstract). Polycaprolactone is disclosed (column 2 lines 56-67). An outer layer containing drugs that address restenosis is disclosed (column 4 lines 52-54).

WO '066 teaches a method of treating vascular disease (abstract). Treating restenosis is specified (page 3 lines 21-22). Rosiglitazone is disclosed (page 22 line 34-page 23 line 6).

It would have been obvious to one of ordinary skill to add rosiglitazone to the device of Eury to achieve the beneficial effect of treating restenosis in view of WO '066.

No claims allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Webman whose telephone number is 571-272-0633.


The examiner can normally be reached on M-F from 8 AM to 5 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Richter, can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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